

EXHIBIT 4

Sana Mayat

From: Anna Friedberg <afriedberg@tillidgroup.com>
Sent: Wednesday, September 20, 2023 9:02 AM
To: Schemitsch, John (Law); Neufeld, Sheryl (Law); Scheiner, Alan (Law); khaas; Powell, Jeffrey K. (USANYS) 4; Iodice, Ashley (Law); Wolecki, Hilary; ksimpson; Debbie Greenberger; Jonathan S. Abady; Vasudha Talla; Sana Mayat; Brar, Jenu (Law); Khan, Mariam (LAW); Mooklal, Stefan (LAW); Relkin, Rachel (Law); Waite, Tisha (Law); Eshkenazi, Lara (USANYS); Joyce, Kimberly (DOC); Oestericher, Jeffrey (USANYS); Brar, Jenu (Law); Corsi, Alexandra (Law); Hiraoka JR., Joseph (LAW); Iodice, Ashley (Law); Khan, Mariam (LAW); Mooklal, Stefan (LAW); Neufeld, Sheryl (Law); Peralta, Yando (LAW); Relkin, Rachel (Law); Savasta, Nancy (Law); Scheiner, Alan (Law); Waite, Tisha (Law); Blain, Ellen (USANYS); Connard, Christopher; mlwerlwas
Cc: Steve Martin; Nunez-NYC
Subject: RE: [EXTERNAL] Nunez: Monitoring Team's Response to July 28, 2023 Requests

This Message originated outside your organization.

Dear City Colleagues,

Can we expect a reply and, if so, when? Please advise as soon as possible.

Anna

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Anna E. Friedberg

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From: Anna Friedberg <afriedberg@tillidgroup.com>
Sent: Sunday, September 17, 2023 11:49 AM
To: Schemitsch, John (Law) <jschemit@law.nyc.gov>; Neufeld, Sheryl (Law) <sneufeld@law.nyc.gov>; Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Iodice, Ashley (Law) <aiodice@law.nyc.gov>; Wolecki, Hilary <Hilary.Wolecki@doc.nyc.gov>; Simpson, Kayla <KSimpson@legal-aid.org>; Debbie Greenberger <dgreenberger@ecbawm.com>; Jonathan S. Abady <jabady@ecbawm.com>; Vasudha Talla <vtalla@ecbawm.com>; Sana Mayat <smayat@ecbawm.com>; Brar, Jenu (Law) <jbrar@law.nyc.gov>; Khan, Mariam (LAW) <markhan@law.nyc.gov>; Mooklal, Stefan (LAW) <smooklal@law.nyc.gov>; Relkin, Rachel (Law) <rrelkin@law.nyc.gov>; Waite, Tisha (Law) <twait@law.nyc.gov>; Eshkenazi, Lara (USANYS) <Lara.Eshkenazi@usdoj.gov>; Joyce, Kimberly (DOC) <Kimberly.Joyce@doc.nyc.gov>; Oestericher, Jeffrey (USANYS) <Jeffrey.Oestericher@usdoj.gov>; Brar, Jenu (Law) <jbrar@law.nyc.gov>; Corsi, Alexandra (Law) <acorsi@law.nyc.gov>; Hiraoka JR., Joseph (LAW) <jhiraoka@law.nyc.gov>; Iodice, Ashley (Law) <aiodice@law.nyc.gov>; Khan, Mariam (LAW) <markhan@law.nyc.gov>; Mooklal, Stefan (LAW) <smooklal@law.nyc.gov>; Neufeld, Sheryl (Law) <sneufeld@law.nyc.gov>; Peralta, Yando (LAW) <yperalta@law.nyc.gov>; Relkin, Rachel (Law) <rrelkin@law.nyc.gov>; Savasta, Nancy (Law) <nsavasta@law.nyc.gov>;

Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Waite, Tisha (Law) <twait@law.nyc.gov>; Blain, Ellen (USANYS) <Ellen.Blain@usdoj.gov>; Connard, Christopher <Christopher.Connard@doc.nyc.gov>; Mary Lynne Werlwas (MLWerlwas@legal-aid.org) <MLWerlwas@legal-aid.org>

Cc: Steve Martin <smart@sbcglobal.net>; Nunez-NYC <nunez-nyc@tillidgroup.com>

Subject: RE: [EXTERNAL] Nunez: Monitoring Team's Response to July 28, 2023 Requests

Dear John (and City Colleagues),

Thank you for the information below. We write to follow-up on three items listed below.

We look forward to your reply.

Best,
Anna

1. **City Response by September 19:** The City did not provide responses to all of the Monitoring Team's requests as of September 15, 2023 as agreed upon and we advised the Court would occur. We ask all replies to the outstanding issues outlined in the September 12, 2023 email sent on 12:39 and clarification on the issue outlined below are provided on a rolling basis no later than September 19, 2023 so we can address any outstanding issues before the September 22, 2023 deadline. Based on our review the following responses remain outstanding:
 - a. NCU Audits –Parties to address designation of NCU Security Audits and NCU COD Audits – City to share proposed protective order by September 20, 2023
 - b. Records related to the July 15, 2023 in-custody death
 - c. July 28, 2023 Request 8
 - d. July 28, 2023 Request 14 – Monitoring Team seeks clarification as outlined below
 - e. August 31, 2023 Request 3
 - f. August 31, 2023 Request 9
 - g. August 31, 2023 Request 18
 - h. September 6, 2023 Follow-up Question 7 – City has not advised on its position of production of these audits to the Parties (see J. Powell's email on 9/13 at 6:04 pm)
 - i. September 6, 2023 Follow-up Question 11
2. With respect to the City's forthcoming responses, we ask as part of the City's reply that it include the information provided by the Monitoring Team in green text in our list of outstanding requests sent in my September 12th at 12:39 pm email. This way all of the information related to the requests is one place and we don't have to cross reference multiple communications to determine the status.
3. We seek clarification on the City's September 15, 2023 response to the July 28, 2023 Request 14 as outlined below.

July 28, 2023 Request 14: All documents reflecting operational changes or correction action plans that were developed by a Facility to "reduce the use of excessive or unnecessary force, the frequency of Use of Force Incidents, or the severity of injuries or other harm to Incarcerated Individuals or Staff resulting from Use of Force Incidents." (See First Remedial Order, Section § A, ¶ 2.). The Monitoring Team has responsive documents to this request and an index was shared with the City on August 17, 2023. A copy of the index of the materials in the Monitoring Team's possession be provided to the Parties as part of the response to the July 28, 2023 requests to be shared this week. The Monitoring Team is withholding production of these documents awaiting the Defendants position on whether it intends to exert privilege over these documents or any confidentiality designations.

City's September 15, 2023 Reply: The documents responsive to this request are the NCU Audits as well as NCU COD assessments. As Defendants have previously stated, we are willing to provide the NCU Audit Summaries designated as

“Confidential Materials” under the Amended Protective Order, and the other documents associated with the NCU Audits be designated as “Attorneys-Eyes-Only.” Defendants are willing to provide the NCU COD assessments, which provide security assessments of facilities under the designation “Attorneys-Eyes-Only.” As we previously stated, we will provide a proposed protective order addressing the proposed “Attorneys-Eyes-Only” designation by September 20, 2023.

Monitoring Team’s September 17, 2023 Response: This response appears to be responsive to the request for NCU audits and we will note this response in addressing that request. The Monitoring Team will also index the NCU COD Assessments for production upon resolution of the privilege issues. However, the City’s September 15th response does not address the July 28, 2023 Request 14. The July 28, 2023 Request 14 is for any “operational changes or correction action.” The NCU audits and NCU COD assessments themselves do not “reflect[] operational changes or correction action plans.” The NCU Audits and NCU COD Assessments are conducted to identify compliance with DOC practices, but there is no evidence that the NCU Audits or NCU COD Assessments “reflect[] operational changes or correction action plans.” With respect to the July 28, 2023 Request 14, the Monitoring Team has identified a small number of responsive documents including responses submitted by the Facilities to the NCU Audits and NCU COD Assessments. The Monitoring Team provided a list of these responsive documents to the City in an email on August 17, 2023 at 8:50 am and also included a sample of those documents. Separately, the Monitoring Team provided the list of responsive documents to all the Parties in its September 6, 2023 Addendum. The City’s September 15, 2023 communication doesn’t address the documents identified by the Monitoring Team. What is the City’s position on: (1) producing the Facility responses as listed by the Monitoring Team outlined in our August 17, 2023 communication to the City (and produced to the Parties on September 6, 2023) and (2) whether any additional responsive documents exist outside of what has been identified by the Monitoring Team (the Monitoring Team made this request to DOC as part of request 2986)?

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From: Schemitsch, John (Law) <jschemit@law.nyc.gov>

Sent: Friday, September 15, 2023 4:56 PM

To: Anna Friedberg <afriedberg@tillidgroup.com>; Neufeld, Sheryl (Law) <sneufeld@law.nyc.gov>; Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Katherine Haas <khaas@legal-aid.org>; Powell, Jeffrey K. (USANYS) 4 <Jeffrey.Powell@usdoj.gov>; Iodice, Ashley (Law) <aiodice@law.nyc.gov>; Wolecki, Hilary <Hilary.Wolecki@doc.nyc.gov>; Simpson, Kayla <KSimpson@legal-aid.org>; Debbie Greenberger <dgreenberger@ecbawm.com>; Jonathan S. Abady <jabady@ecbawm.com>; Vasudha Talla <vtalla@ecbawm.com>; Sana Mayat <smayat@ecbawm.com>; Brar, Jenu (Law) <jbrar@law.nyc.gov>; Khan, Mariam (LAW) <markhan@law.nyc.gov>; Mooklal, Stefan (LAW) <smooklal@law.nyc.gov>; Relkin, Rachel (Law) <rrelkin@law.nyc.gov>; Waite, Tisha (Law) <twait@law.nyc.gov>; Eshkenazi, Lara (USANYS) <Lara.Eshkenazi@usdoj.gov>; Joyce, Kimberly (DOC) <Kimberly.Joyce@doc.nyc.gov>; Oestericher, Jeffrey (USANYS) <Jeffrey.Oestericher@usdoj.gov>; Brar, Jenu (Law) <jbrar@law.nyc.gov>; Corsi, Alexandra (Law) <acorsi@law.nyc.gov>; Hiraoka JR., Joseph (LAW) <jhiraoka@law.nyc.gov>; Iodice, Ashley (Law) <aiodice@law.nyc.gov>; Khan, Mariam (LAW) <markhan@law.nyc.gov>; Mooklal, Stefan (LAW) <smooklal@law.nyc.gov>; Neufeld, Sheryl (Law) <sneufeld@law.nyc.gov>; Peralta, Yando (LAW) <yperalta@law.nyc.gov>; Relkin, Rachel (Law) <rrelkin@law.nyc.gov>; Savasta, Nancy (Law) <nsavasta@law.nyc.gov>; Scheiner, Alan (Law) <ascheine@law.nyc.gov>; Waite, Tisha (Law) <twait@law.nyc.gov>; Blain, Ellen (USANYS) <Ellen.Blain@usdoj.gov>; Connard, Christopher <Christopher.Connard@doc.nyc.gov>; Mary Lynne Werlwas <MLWerlwas@legal-aid.org>